

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SCOTT BRIAN STEFFLER,

CV. 09-16-KI

Plaintiff,

ORDER

v.

MAX WILLIAMS, et al.,

Defendants.

KING, Judge

Plaintiff brings this civil rights action complaining about the conditions of his confinement. Plaintiff has filed an amended application to proceed *in forma pauperis*, together with a declaration in support. In his declaration, plaintiff indicates that he received a \$700.00 annual check from his Native American Tribe, but requests *in forma pauperis* status to avoid using those funds to pay the court filing fee.

Plaintiff is advised that pursuant to 28 U.S.C. § 1915(b)(1), a prisoner proceeding *in forma pauperis* nevertheless is required to pay the full filing fee of \$350.00 **when funds exist**. Upon being granted leave to proceed *in forma pauperis*, an initial partial

filing fee shall be imposed of 20% of the greater of the average monthly deposits, or average monthly balance, in his prison trust account. Thereafter, plaintiff shall be obligated to make monthly payments of 20% of the preceding month's income credited to plaintiff's trust account. These payments shall be collected and forwarded by the agency having custody of plaintiff to the Clerk of the Court each time the amount in plaintiff's trust account exceeds \$10.00, until the filing fee is paid in full.

CONCLUSION

In light of the foregoing, IT IS ORDERED that plaintiff shall advise the court in writing, within 30 days of the date of this order, whether he wishes to proceed *in forma pauperis* as set forth in § 1915(b). IT IS FURTHER ORDERED that plaintiff's motion to file an amended motion for preliminary injunction (#11) is GRANTED; and plaintiff's original motion for preliminary injunction (#3) is DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 18th day of February, 2009.

/s/ Garr M. King
Garr M. King
United States District Judge